ATTACHMENT A

Remarks

By this Amendment independent claims 1, 17, 30 and 31 have been amended to more clearly define the invention and avoid the cited prior art. Certain dependent claims have also been amended to more positively recite elements in a manner similar to the independent claims. It is submitted that the present application is in condition for allowance for the following reasons.

Initially, it will be noted that an interview was conducted with the examiner on November 21, 2006 to discuss the present rejection of the claims over art. The interview was very helpful, and the examiner's attention, discussions and suggestions are appreciated. The relevant substance of that interview will thus be referenced below.

In the *Claims Objection* section of the outstanding Detailed Action, the examiner has initially objected to the use of "transit" in claims 1, 17 and 30, as "transmit" was evidently intended. By this Amendment, this spelling error has been corrected.

In the *Claim Rejections – 35 USC § 103* section, independent claims 1, 17, 30 and 31, together with various dependent claims, were all rejected under 35 USC § 103 as being unpatentable over the Colley patent, in view of the Born patent, the Lobb patent, and the Luna patent. However, for the following reasons, it is submitted that these claims are all allowable over this combination of references.

As indicated in the prior art rejection, and as discussed at the interview, there are two issues related to the claimed subject matter alleged by applicant to differentiate the present invention over that disclosed by the Luna patent as used in the combination: the claim language used to make this distinction, and the positive claiming of this

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language. The specific language of this subject matter, as now claimed exemplarily in

claim 1 and not showing the present changes, is:

> wherein <u>said computing system is configured</u> to accumulate, store and manipulate data inputted by a participant in said sport or game as the participant plays or progresses through said phases in any order chosen by the participant <u>and not in an order determined by the computing system</u> without providing said identification data to said respective data input terminals during said sport or game. [Emphasis added.]

With respect to the issue of differentiating this language over the teachings of the

Luna patent, the examiner suggested the addition of a negative limitation, such as "not

by the computer system". As noted in the Detailed Action, the previous language was

considered by the examiner to be broad enough to cover the situation where the

participant chose an order which matched that determined by a computer as taught in

the Luna patent. While it is not believed that one of ordinary skill would have interpreted

this claim language so broadly (if the order is determined by a computer, it is not

"chosen" by applicant), the claimed recitation has been changed in a manner similar to

that suggested by the examiner at the interview to make clear that the order is chosen

only by applicant and has nothing to do with any determination made by the computer.

With respect to the second issue of positively claiming the subject matter, it will

be appreciated that this subject matter (and other subject matters similarly recited) has

now been amended to more positively recite this subject matter and to do so in

association with the related claim element. In particular, it is recited that the claimed

computing system is "configured" to perform as noted, rather than the previous general

indication that the system functioned in this manner. It is submitted that this recitation

thus positively recites these limitations and serves to differentiate over the art.

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In view of the above, it is therefore submitted that independent claims 1, 17, 30 and 31 all recite subject matter which is not disclosed or made obvious in any of the cited prior art; and specifically that the positive limitation noted above is not disclosed in any of the prior art, including the Luna patent. The Luna patent clearly teaches the playing of golf holes in various orders, but only as determined by the computer; and for the disclosed purpose of accommodating players of different speeds in order to reduce waiting times and not as might be chosen by the players.

It is also submitted that the dependent claims, which all depend from one of the above noted independent claims, are likewise allowable for the same reasons that the independent claims are allowable.

For all of the foregoing reasons, it is submitted that the present application is in immediate condition for allowance and such action is solicited.